

THE HONORABLE JOHN H. CHUN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

FEDERAL TRADE COMMISSION, *et al.*,

Plaintiffs,

v.

AMAZON.COM, INC., a corporation,

Defendant.

CASE NO.: 2:23-cv-01495-JHC

NOTICE OF RELATED CASE

Pursuant to Local Civil Rule 3(g)(1), Plaintiffs Federal Trade Commission (“FTC”) and states of New York, Connecticut, New Hampshire, Oklahoma, Pennsylvania, Delaware, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, Oregon, Rhode Island, and Wisconsin, acting by and through their respective Attorneys General (collectively, “Plaintiffs”), submit this notice of the following related case: *Zulily, LLC v. Amazon.com, Inc.*, 2:23-cv-01900 (W.D. Wash.) (“*Zulily*”), filed on December 11, 2023. *Zulily* is currently before Judge Barbara J. Rothstein.

Zulily, an online retailer, describes itself as “one of Amazon’s victims.” Complaint, *Zulily, LLC v. Amazon.com, Inc.*, No. 2:23-cv-01900 (W.D. Wash. Dec. 11, 2023), Dkt. #1 at 1.

1 Zulily alleges that “[a]fter only a few months of being targeted by Amazon’s exclusionary
2 conduct,” it “was forced to discard the ‘Best Price Promise’ it made to consumers and to remove
3 all Amazon price comparisons from its website—effectively abandoning its strategy to gain scale
4 through discount pricing.” *Id.* at 2. Zulily further alleges that Amazon’s “conduct has caused
5 Zulily substantial revenue losses and reduced traffic to Zulily’s website,” and “denies Zulily the
6 scale necessary to compete in the market.” *Id.* at 2-3. Zulily brings claims for violations of
7 Section 1 and Section 2 of the Sherman Act, Washington Antitrust Law, and Washington Unfair
8 Competition Law.

9 Like Plaintiffs in this case, Zulily alleges that Amazon denies shoppers lower prices by
10 punishing sellers who offer lower prices off Amazon. *See, e.g., Complaint, FTC, et al., v.*
11 *Amazon.com, Inc.*, 2:23-cv-01495-JHC (W.D. Wash. Sept. 26, 2023), Dkt. #1 at 83-87.

12 However, Plaintiffs challenge that conduct under Section 5 of the FTC Act and numerous state
13 laws not at issue in *Zulily*. Plaintiffs also challenge Amazon conduct that is not at issue in *Zulily*
14 under both federal and state laws.

15 Plaintiffs’ case differs from and is broader than *Zulily*. However, Plaintiffs’ case
16 involves certain overlapping factual and legal issues with *Zulily*. Plaintiffs’ case and *Zulily*
17 address some of the same conduct engaged in by Amazon, and Plaintiffs’ case and *Zulily* concern
18 many of the same transactions and events, including certain of the restrictions Amazon imposes
19 on sellers. Accordingly, it is “likely that there will be an unduly burdensome duplication of labor
20 and expense or the potential for conflicting results if the cases are conducted before different
21 judges.” Local Rules W.D. Wash. LCR 3(g)(4).

1 Dated: December 14, 2023

Respectfully submitted,

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